

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARBARA LYNN CHAVEZ,
Petitioner,
v.

CV F 05-00490 REC DLB HC

ORDER DENYING PETITIONER'S MOTION
FOR JUDGMENT

[Doc. 7]

GLORIA HENRY, WARDEN,
Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On May 19, 2005, the Court issued an order directing Respondent to file a response to the petition within ninety (90) days from the date of service. Over ninety (90) days have passed and no response was received.

The Court has reviewed the docket in this case and it appears that the Clerk of Court inadvertently did not electronically serve the Court's order on Respondent. As such, Respondent did not receive notice of the court's order and cannot be faulted for her failure to respond.

Therefore, Petitioner's motion for judgment must be DENIED.¹

IT IS SO ORDERED.

Dated: September 7, 2005
3b142a

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

¹ The Court notes that issued concurrently herewith is a new briefing schedule order.